

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

TRACY WARD,

Plaintiff,

v.

QUALITY TERMINAL SERVICES,
LLC, and ALLIANCE TERMINAL
RAILROAD, LLC,

Defendants.

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Civil Action No. 3:11-CV-230-L

JOINT SCHEDULING CONFERENCE REPORT

In accordance with the Court's Order dated March 2, 2011, Plaintiff Tracy Ward and Defendants Quality Terminal Services, LLC and Alliance Terminal Railroad, LLC, submit the following Joint Scheduling Conference Report:

I.

1. Nature and basis of the claims and defenses.

Plaintiff's Claims

Plaintiff contends that he was terminated because of racial discrimination, age discrimination, retaliation for filing a workman's compensation claim, and a violation of the American with Disabilities Act.

Defendants' Contentions

Defendants deny Plaintiff's allegations (which do not match his pleadings and exceed the scope of his EEOC charge). Plaintiff was never employed by Alliance Terminal Railroad, LLC; consequently, it cannot be liable to Plaintiff. Furthermore, Defendant Quality Terminal Services, LLC terminated Plaintiff for legitimate, non-discriminatory, non-retaliatory reasons, including, without limitation, Plaintiff's disciplinary issues and policy violations. Consequently, for these and other reasons, Defendants are not liable to Plaintiff.

2. Any challenge to jurisdiction or venue.

Neither party has any challenge to jurisdiction or venue.

3. Any pending or contemplated motions and proposed time limits for filing motions.

All motions by either party except for objections to expert witnesses must be filed by February 17, 2012. Objections as to expert witnesses by the Plaintiff must be filed by September 16, 2011 and by the Defendant by October 14, 2011.

4. Any matters which require a conference with the court.

There are no matters which require a conference with the court.

5. The deadline for amendment of pleadings, and the likelihood that other parties will be joined.

The deadline for amendment of pleadings is August 25, 2011 and no other parties are anticipated to be joining.

6. (a) An estimate of the time needed for discovery, with reasons, (b) a specification of the discovery contemplated, and (c) limitations, if any, that should be placed on discovery. If these matters are specifically addressed in the proposed discovery plan, the parties need not address them here.

The parties respond as follows: (a) The parties propose that discovery close on December 16, 2011, in keeping with standard timelines for cases such as this one; (b) written discovery and depositions including production of documents relevant to this case; (c) there are no specific limitations other than time. The parties have agreed to exchange initial disclosures no later than May 10, 2011.

- 7. A statement that counsel have read the Dondi decision, 121 F.R.D. 284 (N.D. Texas 1988), and that counsel have read and are familiar with the District's Civil Justice Expense and Delay Reduction Plan as amended in May 2002.**

Counsel have read the Dondi decision and have read and are familiar with the District's Civil Justice Expense and Delay Reduction Plan as amended in May 2002.

- 8. Requested trial date, estimated length of trial, and whether a jury has been demanded.**

Trial by jury has been requested for May 21, 2012 with 4 (four) days of trial.

- 9. Whether the parties will consent to trial (jury or nonjury) before United States Magistrate Judge Irma Carrillo Ramirez per 28 U.S.C § 636(c). The parties are to simply state that they consent or do not consent to trial before the magistrate judge. The court does not wish to know the identity of the party refusing to consent. See Fed. R. Civ. P. 73(b).**

The Parties do not consent to trial before the magistrate judge.

- 10. Prospects for settlement, and status of any settlement negotiations.**

Plaintiff has made demands, the latest of which is being conveyed to the Defendants contemporaneous with the filing of this report. Defendants will respond in good faith.

- 11. Whether the parties will agree to mediation or to other alternative dispute resolution, and when it would be most effective (before discovery, after limited discovery, or at the close of discovery).**

The parties agree to mediation to be held before September 15, 2011 after limited discovery including the deposition of the Plaintiff.

- 12. Any other matters relevant to the status and disposition of this case.**

There are no other matters relevant to the status and disposition of this case.

Dated April 1, 2011

Respectfully Submitted,

s/ Kevin S. Mullen

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